

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HABIB HOGUE,

Plaintiff

Case No. 3:23-cv-00652-ART-CSD

ORDER

v.

SCOTT DAVIS, et al.,

Defendants

On December 20, 2023, pro se plaintiff Habib Hogue, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-2). Plaintiff has neither paid the full \$405 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1). Plaintiff did submit a completed financial certificate and an inmate trust fund account statement for the previous six-month period. (ECF No. 1-1).

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*

1 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
2 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

3 **II. CONCLUSION**

4 It is therefore ordered that Plaintiff has **until January 19, 2024**, to either pay the
5 full \$405 filing fee or file a completed application with the inmate's two signatures on page
6 3.

7 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
8 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
9 to refile the case with the Court, under a new case number, when Plaintiff can file a
10 complete application to proceed *in forma pauperis* or pay the required filing fee.

11 The Clerk of the Court is directed to send Plaintiff the approved form application to
12 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
13 complaint (ECF No. 1-2) but not file it at this time.

14 DATED: December 21, 2023.

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UNITED STATES MAGISTRATE JUDGE